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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,183	09/17/2003	Ganesan Vaidyanathan Panchapagesan	132351	8765

7590 07/25/2005

General Electric Company  
CRD Patent Docket  
Bldg. K-1, Rm 4A59  
P.O. Box 8  
Schenectady, NY 12301

EXAMINER

COCKS, JOSIAH C

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/666,183

Applicant(s)

PANCHAPAGESAN ET AL.

Examiner

Josiah Cocks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Receipt of applicant's amendment filed 5/16/2005 is acknowledged.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,931,152 to Fafet et al. ("Fafet") (cited by applicant).

Fafet discloses in Figures 1-5 the invention as described in applicant's claims 1-6 and 8-11. In particular, Fafet shows a burner assembly and method of making the burner assembly including providing a burner grate with a plurality of humps (5) integrally formed in a glass ceramic cooktop and distributed around an opening in the cooktop (see Figs. 1, 3, and 5 and col. 4, line 59 through col. 5, line 22). Fafet also discloses a burner (3) positioned in the opening. The examiner considers that the humps are positioned a sufficient distance from the flame ports of the burner such that the flames from these ports will not impinge upon the burner grate (e.g. see Figs. 2 and 4).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fafet, as applied to claim 4 above, in view of U.S. Patent No. 4,518,346 to Pistien ("Pistien").

Fafet discloses all the limitations of claim 7 except that the burner ports are "Y" or "V" shaped.

Pistien teaches a gas burner in the same field of endeavor as Fafet. In Pistien, the burner ports (45, 46 and 43, 44) of the burner form flow paths arranged at angles that are considered to be "V" shaped (see col. 3, lines 19-37 and Fig. 3).

Therefore, in regard to claim 7, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the burner ports of Fafet to incorporate the "V" shape of Pistien as this shape desirably aids in permitting reciprocal ignition (see Pistien, col. 3, lines 28-37).

### *Response to Arguments*

7. Applicant's arguments filed 5/16/2005 have been fully considered but they are not persuasive. Applicant argues that Fafet does not teach a burner port pattern that restricts flame formation. Specifically, applicant argues that Fafet does not teach restriction of flame formation through "selection of pattern of the burner ports." The examiner does not agree.

It is well settled that during the course of examination claims in a pending application are given their broadest reasonable interpretation. See *In re Pearson*, 181 USPQ 641 (CCPA 1974). In the present case, applicant's limitation of restricting flame formation does not require any particular structure but must merely provides prevention of a flame from impinging upon the burner grate. Further, applicant does not specify what a restricted flame formation is in comparison to an unrestricted flame formation. Thus, in giving the limitation its broadest reasonable interpretation, the examiner concludes that any arrangement in the prior art that restricts flame formation to the extent that flames are prevented from impinging upon a burner grate meets this limitation.

Fafet shows such an arrangement. In Fafet, a burner grate is provided with a plurality of integral humps (5) that surround a central burner (3) (see Figs. 1-4). The purpose of the humps is to support a cooking utensil above flames emanating from multiple burner ports provided along

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the periphery of the burner (see Fafet, col. 2, lines 60-64). A benefit of integral humps is to provide the rapid heating associated with gas flames while eliminating the need for traditional metal grates that traditionally lie above the burner (see Fafet, col. 2, lines 54-56). In functioning as supports, the humps are not intended to contact flames from the burner or to be heated by the heat produced from the flames. As shown particularly in Figs. 1 and 2, there is a substantial gap between the humps and the central burner such that the grate is not considered to be proximate the burner ports. Flames emanating from the pattern of ports from the burner would be restricted from impinging the sides of the humps by virtue of this gap. Accordingly, neither applicant's structure nor methods claims are considered to distinguish applicant's invention from the grate and burner arrangement and their use as disclosed in Fafet.

Applicant does not dispute that the reference to Pistien shows that for which it has been cited. Accordingly, the rejection of claim 7 based on Fafet and Pistien is also considered proper.

### *Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Josiah Cocks whose telephone number is (571) 272-4874. The examiner can normally be reached on weekdays from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter, can be reached at (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Any questions on access to the Private PAIR system should be directed to the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

jcc

July 11, 2005.

  
JOSIAH COCKS  
PRIMARY EXAMINER  
ART UNIT 3749